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and transferred him to Red Onion State Prison. Hoskins then brought this § 1983 action against the Commonwealth of Virginia and the VDOC, seeking monetary damages, vacation of the charge, and reclassification.

The court is required to dismiss any action or claim filed by a prisoner against a governmental entity or officer if the court determines the action or claim is frivolous, malicious, or fails to state a claim on which relief may be granted. 28 U.S.C. § 1915A(b)(1). Section 1983 permits an aggrieved party to file a civil action against a person for actions taken under color of state law that violated his constitutional rights. *See Cooper v. Sheehan*, 735 F.3d 153, 158 (4th Cir. 2013).

The only defendants that Hoskins names as defendants are the Commonwealth and the VDOC. Neither of these entities is a “person” subject to suit under § 1983. *Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 71 (1989) (finding that state and its agencies are not persons under § 1983) Therefore, Hoskins’ complaint must be summarily dismissed under § 1915A(b)(1) as legally frivolous.

A separate Final Order will be entered herewith.

DATED: June 10, 2015

/s/ James P. Jones

United States District Judge